

## **2.000 RULES OF PRACTICE**

### **2.100 Scope and Construction of Rules**

#### **2.101 Applicability**

These rules shall apply in all proceedings before the Commission.

#### **2.102 Definitions**

(A) Commission: the Vermont Public Utility Commission and any hearing examiner appointed by the Commission wherever the context admits of such a construction.

(B) Clerk: the clerk of the Commission.

(C) Filing (when used as a noun): any petition, application, complaint, motion, exhibit or any other document or thing of any description which is required or permitted to be filed with the Commission in connection with a pending case.

#### **2.103 Vermont Rules of Civil Procedure**

The Vermont Rules of Civil Procedure, whether specifically adopted herein by reference or whether made applicable by Rule 2.105, below, shall, subject to Rule 2.104, below, apply in the form in which they exist on June 1, 1982 and as they may thereafter from time to time be amended. References in such rules to any judge or to any trial court shall be deemed to be a reference to the Commission; references to the clerk of the court shall be deemed to be references to the clerk of the Commission; references to trials shall be deemed to be references to hearings; references to complaints shall be deemed to be references to petitions, applications or complaints; and references to actions shall be deemed to be references to proceedings before the Commission. Where less than the whole of any rule of the Vermont Rules of Civil Procedures is specifically adopted by reference, the provisions of the remainder thereof shall not apply except by specific order of the Commission issued pursuant to Rule 2.107.

#### **2.104 Conflicting Authority**

In the event of any conflict between the provisions of any other Rule or General Order of the Commission and these rules, the former shall prevail. In the event of any conflict between otherwise applicable provisions of the Vermont Rules of Civil Procedure and any Rule or General Order of the Commission, including any provision of these rules, the latter shall prevail.

#### **2.105 Procedures Not Specifically Governed**

Procedures not specifically governed herein shall be governed by the Vermont Rules of Civil Procedure, by any applicable Rule or General Order, or by any applicable statute.

#### **2.106 Construction**

These rules shall be liberally construed to secure the just and timely determination of all issues presented to the Commission.

#### **2.107 Waiver of Rules**

In order to prevent unnecessary hardship or delay, in order to prevent injustice, or for other good cause, the Commission may waive the application of rule upon such conditions as it may require, unless precluded by the rule, itself, or by statute.

**2.108 Severability**

In the event that any of these rules is found by a court of competent jurisdiction to be illegal or void, the remainder shall be deemed unaffected and shall continue in full force and effect.

**2.109 Repeal of Prior Rules**

Rules of practice and any amendments or additions thereto previously adopted by the Commission are hereby repealed, except that with respect to any proceeding pending on the effective date hereof, the Commission may apply any provision of such prior rules where the failure to do so would work an injustice or substantial inconvenience.